

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

- V S -

1 : 18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF DANIEL DERENDA

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

November 10, 2021

At 9:00 a.m.

Pursuant to notice

REPORTED BY:

Rebecca L. DiBello, RPR, CSR(NY)

APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

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716-853-5544

DANIEL DERENDA

1 entire time you were employed there?

2 A. It held that name up until October 8th when it
3 became Allied Universal. They purchased the
4 stock maybe six, seven months prior. As I
5 said, I agreed to stay on until October 22nd
6 so I believe technically I was under Allied
7 Universal for the two-week period and now with
8 severance pay I'm being paid out by Allied
9 Universal.

10 Q. And what was your -- what did your job consist
11 of?

12 A. I had a couple of positions. I started out as
13 a general manager Buffalo/Rochester area,
14 became director of operations of all New
15 England which included Upstate New York and
16 about a year ago I came back just to the
17 Buffalo/Rochester area as a district manager.

18 Q. Okay. And that was a private security
19 company?

20 A. Yes.

21 Q. And was your employment prior to that as
22 Commissioner of the Buffalo Police Department?

23 A. I was with the Buffalo Police Department for

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1 32 years. Commissioner of police since 2010.

2 Q. Okay. So you were commissioner from 2010
3 through 2018 when you left?

4 A. To January 18.

5 Q. Okay. And then after January 18th you had the
6 employment we discussed?

7 A. Correct.

8 Q. What was the BPD Strike Force?

9 MR. QUINN: Object to the form. You can
10 answer.

11 A. Strike Force was a unit that we put together
12 to go and basically supplement other districts
13 so they can go in. They weren't tied to a
14 radio. They were in there to be proactive
15 going after areas where we had spikes in
16 crime.

17 Q. And I'm sorry, Mr. Derenda. You froze for a
18 minute so I couldn't hear your answer.

19 A. Strike Force was the unit we put together --

20 MR. QUINN: Did you get the answer,
21 Rebecca? I want to make sure we're not missing
22 things.

23 (Record read back by reporter)

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1 MR. QUINN: I think that was the whole
2 answer.

3 Q. Okay. Thank you. What was the main mission
4 of the Strike Force?

5 MR. QUINN: Object to the form. You can
6 answer.

7 A. The main mission was to -- they would go after
8 guns, drugs, intelligence gathering and again
9 to supplement the districts in areas where we
10 had problems. Again, they were not tied to
11 the radio. They were to be proactive and they
12 were out to be on the street depending on
13 circumstances that were going on throughout
14 the city.

15 Q. And the document that I would like to show you
16 -- just one second. I'm going to mark as
17 Exhibit 1 a document that was produced to us
18 with Bates number COB060319. It says at the
19 top Strike Force Mission.

20 Mr. Derenda, do you recognize this
21 document?

22 A. I do.

23 Q. Did you author it?

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1 A. I did.

2 Q. And does this document accurately describe the
3 mission of the Strike Force?

4 A. Yes, it does.

5 Q. And you were directly involved in the creation
6 of the Strike Force, right?

7 A. Correct.

8 Q. Why did you create the Strike Force?

9 MR. QUINN: Object to the form.

10 A. Actually, before the Strike Force we had a
11 unit called the MRU which was basically the
12 same mission. Very successful. It had a
13 shelf life. The officers assigned there were
14 very proactive and they started to not work as
15 hard so we got rid of the unit and we reformed
16 the Strike Force Unit maybe -- I don't know
17 how much time in between.

18 But again, we did it to target areas of
19 high crime and, again, to supplement the
20 districts and to concentrate on problems.

21 Q. Okay. And when you say very successful, how
22 was that success measured?

23 MR. QUINN: Object to the form. You can

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1 make sure that drivers are licensed and
2 registrations are valid and inspections are
3 valid?

4 A. Because why would I want people to have
5 driver's license? Is that the question? So
6 that the vehicles are legally registered,
7 they're legally inspected. Improperly
8 inspected vehicles could be a traffic hazard.
9 Vehicles should be registered and insured and
10 people with seatbelts on -- should have their
11 seatbelts on. That's the law.

12 Q. Why should the roadblocks be setup to minimize
13 the possibility of avoiding it?

14 A. So if you set it up in a way that will give
15 somebody or make somebody think that they can
16 just drive through it or around it, you set it
17 up in a way to make it safe for vehicles to
18 pass through.

19 Q. And why did you direct your officers to
20 conduct a traffic stop on any vehicle that
21 attempts to avoid the roadblock?

22 A. If they're avoiding the roadblock, again, it
23 was part of the directive. They're avoiding

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1 it for whatever reason, for whatever traffic
2 safety violations they may incur.

3 Q. How would an officer know whether a vehicle
4 was attempting to avoid the roadblock?

5 A. If they're going around the officers as
6 they're doing a roadblock. We've had vehicles
7 just take off speeding up on the sidewalk.
8 All kinds of things have taken place.

9 Q. So what if a person is just making a normal
10 turn? Is that attempting to avoid a
11 roadblock?

12 MR. QUINN: Form.

13 A. I don't know what you characterize as a normal
14 turn. If you see somebody try to go around
15 it, start backing up to get away from it or
16 what have you, they're trying to avoid the
17 roadblock.

18 Q. Why did you instruct officers to act on any
19 and all probable cause resulting from mobile
20 plate readers and plain view observations?

21 MR. QUINN: Form.

22 A. Because that's part of their job to enforce
23 the law.

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1 Q. Why did you instruct officers to write
2 summonses for all who are in violation of V&T
3 laws?

4 A. So they couldn't pick and choose who they
5 wrote tickets to. If somebody is coming
6 through without a driver's license, you treat
7 everybody the same. If somebody doesn't have
8 an inspection sticker, you don't let one go
9 and not the other.

10 You don't pick and choose who you
11 enforce the laws on and that situation is for
12 a defined period of time and place and people
13 coming through there should all be treated the
14 same.

15 Q. So your goal was to enforce the provisions of
16 the vehicle and traffic law, correct?

17 A. Correct.

18 MR. QUINN: Form.

19 Q. And the idea is that by enforcing the Vehicle
20 and Traffic Law through the issuance of
21 traffic signs, you encourage drivers to come
22 into compliance?

23 MR. QUINN: Form.

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1 Once I became commissioner MRU
2 disappeared and we disbanded the unit and we
3 re-formed the Strike Force. I don't know how
4 many years in between. I didn't have -- it
5 was no longer my job to be assigning them to
6 different locations. You have deputy
7 commissioner of operations. Lockwood overseen
8 the housing. We put him in charge of housing,
9 Strike Force and the schools because we put
10 him all together so he overseen those units
11 and, generally speaking, he would assign them
12 where they would be.

13 Occasionally maybe I would chime in
14 based on something, based on somebody
15 requesting that I knew about, but the
16 day-to-day stuff I didn't handle. I had too
17 many other things on my plate that I didn't
18 have years before.

19 Q. Now, you expected Strike Force officers to
20 issue a lot of traffic tickets, right?

21 A. I expected Strike Force officers to be
22 proactive and out doing their job making
23 arrests, writing summonses, writing parking

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1 tickets, writing city ordinances to be visible
2 and out doing their job proactive, correct.

3 MR. QUINN: Form to the last question.

4 Q. And you mentioned a number of kinds of things
5 you expected them to do; summonses, parking
6 tickets, city ordinances.

7 What are city ordinances?

8 A. City ordinance could be anything from whether
9 -- high grass was one of them. We used to
10 have specific details and walk through
11 neighborhoods writing summonses based on city
12 ordinances. Loud music, high grass, whatever
13 it may be, and the purpose for that was to get
14 officers out of their cars walking down the
15 streets, getting back to what we talked about,
16 high visibility.

17 So when they're out doing something,
18 when they're out walking, when they're out
19 stopping vehicles for traffic violations,
20 they're highly visible and I believe that has
21 a major effect in reducing overall crime and
22 other things.

23 Q. When you felt that Strike Force officers had

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1 low production you let them know, didn't you?

2 MR. QUINN: Object to the form.

3 A. If I seen a report and I seen that they
4 weren't doing anything, so if you have ten
5 officers working on a shift and you don't see
6 any arrests and there's no summonses, then
7 they're telling me they're not out doing what
8 they need to be doing, so yes, I would let
9 somebody know if I didn't think they were
10 being out there.

11 Again, when you're not tied to the radio
12 and you're not answering calls you have a lot
13 of time to be proactive and enforce traffic
14 laws, do other things and when you're not --
15 again, I always had the philosophy of what
16 gets measured gets done, so they were forced
17 to do reports every shift and you can see if
18 they're doing things or they're not doing
19 things and there's times depending on holidays
20 or whatever you'd see low numbers because of a
21 couple of reasons.

22 Probably low manpower and people are
23 home and not driving and nobody is out and

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about and things aren't happening. Crime is not happening. So there's reasons sometimes why they're not, but there's other times that you see low numbers in general and you start to wonder if they're out on the street being visible doing what they're supposed to be doing.

8 Q. So the traffic summonses, the tickets, parking
9 tags, the city ordinances, all of that is a
10 way for you to tell whether the Strike Force
11 officers are out there in the street?

12 A. If they're out there zero tolerance enforcing
13 laws, violations, if they're out there about
14 on the street at times walking, at times
15 driving, whatever, that tells me they're out
16 working.

17 MR. O'QUINN: Form of the last question.

18 Q. And you also had to report those numbers up to
19 the mayor, correct?

20 A. I didn't have to report the numbers up to the
21 mayor. Did I report numbers up to the mayor?
22 I'm sure I did. But no, I didn't have to
23 report numbers to the mayor.

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

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I, Rebecca Lynne DiBello, CSR, RPR, Notary Public, in and for the County of Erie, State of New York, do hereby certify:

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That the witness whose testimony appears hereinbefore was, before the commencement of their testimony, duly sworn to testify the truth, the whole truth and nothing but the truth; that said testimony was taken pursuant to notice at the time and place as herein set forth; that said testimony was taken down by me and thereafter transcribed into typewriting, and I hereby certify the foregoing testimony is a full, true and correct transcription of my shorthand notes so taken.

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15

I further certify that I am neither counsel for nor related to any party to said action, nor in anyway interested in the outcome thereof.

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IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 14th of November, 2021.

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21 _____
Rebecca Lynne DiBello, CSR, RPR

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